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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,603	02/21/2001	Elin R. Pedersen	106143	4550

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER	
ZHOU, TING	
ART UNIT	**PAPER NUMBER**
2173	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/788,603	PEDERSEN ET AL.	
	Examiner	Art Unit	
	Ting Zhou	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 December 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-11 and 13-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-11 and 13-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 December 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed on 10 December 2004 have been received and entered. The applicants have cancelled claims 2 and 12 and added new claims 20-21. Claims 1, 3-11 and 13-21 as amended are pending in the application.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitations "other than a presence or lack of new information on a floating window", on lines 2-3 and "other than a visual translucency of the floating window", on line 4 of claim 21, are not positively recited in the specification of the present application. The specification gives examples of activity streams on lines 12-24 of page 8: "Changes in the one or more activity streams detected by the dynamic stylesheet manager 40 may include, but are not limited to, reminders of scheduled events and/or sensor values exceeding or falling below threshold values. For example, sensors may be placed in conference room seats to monitor the number of occupied seats. The multiple seat sensor values may then be abstracted to create a normalized occupancy

value. For example, the activity streams for three occupied chairs in a particular conference room may reflect a percentage of total occupancy rather than the actual number of occupied seats detected. The one or more activity streams change dynamically as people enter the conference room and take their seats. As the one or more activity streams change, the changes are transmitted to the dynamic stylesheet manager 40. Display attributes of the associated representation elements are synthesized according to the entries specified in the dynamic stylesheet stored in the dynamic stylesheet storage memory 20." However, the cited passage merely describes examples of activities that can be considered as activity streams, and does not positively recite the exclusion of a presence or lack of new information on a floating window as a type of activity stream. Therefore, there is no positively recited basis in the disclosure for the negative limitation of "other than a presence or lack of new information on a floating window". Furthermore, the specification gives examples of representation elements, on lines 3-17 of page 6: "Such representational elements are capable of representing information about one or more activities in the activity stream in a way that can be sensed peripherally by a user using one or more of the user's senses. For example, increased air circulation in an office may be used to provide a touch representation element at the periphery of the user's focus of attention in the user's office space. In this case, the touch representation element interacts with the user's sense of touch on the user's skin. Alternatively, for a user engaged in person-to-person conversation in an office space, the periphery of the user's focus of attention may include room elements such as a curtain. Movement of the curtain may be synthesized or controlled to represent the arrival of an anticipated guest in the building lobby. Similarly, sound, olfactory and taste representation elements may also be used. For example, a distinctive odor may be released into the air

circulation of a room to convey information by olfactory sense. This may be useful for a sight or hearing impaired user. Odor and sound representation elements might also be used to more effectively convey information to sight impaired users". However, the cited passage merely describes examples of elements that can be considered as a type of representation element, and does not positively recite the exclusion of a visual translucency of the floating window as a type of representation element. Therefore, there is no positively recited basis in the disclosure for the negative limitation of "other than a visual translucency of the floating window".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 3-11 and 13-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Bonura et al. U.S. Patent 6,670,970.

Referring to claims 1 and 11, Bonura et al. teach a method and system comprising a memory (column 4, lines 55-61) that stores associations between at least one activity stream and at least one representation element (associating the presence/lack or new information on a floating window with the visual translucency of the representation element, or floating window, according to parameters that can by set by the application, user or system) (column 3, lines 57-65 and column 4, lines 3-6); at least one synthesizer circuit, synthesizing a value of a human sensible attribute of the at least one representation element based on changes in the at the least one activity stream and the stored associations (synthesizing the displayed translucency/opacity of the floating window based on changes in the presence/lack of new information on the floating window; for example, when the floating window has been updated with new information within a predetermined time period, the window will become transparent and after a certain time period has elapsed, windows can become transparent, or partially transparent, according to parameters) (column 2, lines 35-45, column 3, lines 42-48 and column 5, lines 57-67 through column 6, lines 1-28); determining a user's focus of attention (user viewing and interacting with information on a displayed object or window) (column 3, line 41 – column 4, line 6); and selecting at least one of the at least one representation elements to synthesize a display attribute based on the user's focus of attention (synthesize, or change the translucency of the window to match the presence/lack of new information of the window that the user is focusing on; for example, initially, the user's focus of attention is on, or the user can easily read the information shown in window 500 of Figure 4; however, if the information of window 500 has not changed after 10 seconds, then

window 500, which is the user's focus of attention, is selected to become 20% translucent) (column 5, lines 47-67), wherein the at least one selected representation element is within the user's focus of attention (the floating window is displayed on the window, within the user's view) (Figure 7A).

Referring to claim 3, Bonura et al. teach the selected representation element is at the periphery of the user's focus of attention (for example, if no new information is detected, the floating window can become completely translucent, thereby allowing underlying windows to become visible and allowing users to interact with the underlying windows) (column 3, lines 43-55).

Referring to claims 4 and 13, Bonura et al. teach wherein an activity stream is information including at least one of sensor information, detector information, application information, telephone information, news information and pager information (the parameters governing changes between translucency/opacity of the floating windows are from, or can be set by the application) (column 3, lines 58-65).

Referring to claims 5 and 14, Bonura et al. teach the human-sensible attribute is synthesized based on a selected range (the displayed translucency of the floating windows are changed in steps; for example, the window can go from being 20% translucent to 40% translucent to 60% translucent, etc.) (column 6, lines 20-28).

Referring to claims 6 and 15, Bonura et al. teach wherein the human-sensible attribute is synthesized based on values outside a selected range (for example, if the selected range is making the window 10% more translucent every 5 seconds without changes to the displayed information, when there are values outside the range, such that after 5 seconds, there have not

been any new information, then the window will become 10% more transparent) (column 7, lines 1-33).

Referring to claims 7 and 16, Bonura et al. teach the at least one representation element and the at least one activity stream are dynamically associated based on which of the at least one activity stream has a value outside a predicted range of values (the displayed floating window and the detecting of activity such as new information are dynamically associated such that the window dynamically changes from being translucent to opaque according to whether the window meets a range of values, such as time elapsed since new information being presented) (column 3, lines 43-67 through column 4, lines 1-6).

Referring to claims 8 and 17, Bonura et al. teach determining the predicted range of values based on monitoring at least one of the at least one activity stream (monitoring the presence of new information and the time elapsed since new information has been presented to determine whether the floating window has reached the range of values, or the time elapsed since new information has been presented, that causes the window to become translucent) (column 5, lines 47-67 through column 6, lines 1-28).

Referring to claims 9 and 18, Bonura et al. teach the human-sensible attribute is a display attribute (the changed attribute is a displayed translucency of the window) (column 4, lines 3-6).

Referring to claims 10 and 19, Bonura et al. teach the display attribute includes at least one of a text characteristic, a window characteristic, a desktop characteristic (the displayed attribute is a window characteristic, i.e. the translucency of the window) (column 4, lines 3-6 and column 6, lines 56-67).

Referring to claim 20, Bonura et al. teach determining a users focus of attention by actively sensing the user's focus of attention (actively sensing where the user's focus of attention is, i.e. what window or object the user is interacting with, in order to adjust the degree of translucency/opaqueness accordingly).

Referring to claim 21, as best understood by the examiner, Bonura et al. teach a method comprising storing associations between at least one activity stream and at least one representation element (associating the presence/lack or new information on a floating window with the visual translucency of the representation element, or floating window, according to parameters that can by set by the application, user or system) (column 3, lines 57-65 and column 4, lines 3-6); and synthesizing a value of a human sensible attribute of at the at least one representation element based on changes in the at least one activity stream and the stored associations (synthesizing the displayed translucency/opacity of the floating window based on changes in the presence/lack of new information on the floating window; for example, when the floating window has been updated with new information within a predetermined time period, the window will become transparent and after a certain time period has elapsed, windows can become transparent, or partially transparent, according to parameters) (column 2, lines 35-45, column 3, lines 42-48 and column 5, lines 57-67 through column 6, lines 1-28).

Response to Amendments

4. In view of the applicants' amendments to Figure 3, the drawing amendments have overcome the examiner's Drawing Objection made in the non-final office action dated 24

September 2004, and therefore, the Drawing Objection from the previous office action is withdrawn.

5. In view of the applicants' amendments to claims 1 and 11, the claim amendments have overcome the examiner's Claim Objections made in the non-final office action dated 24 September 2004, and therefore, the Claim Objections from the previous office action are withdrawn.

6. In view of the applicants' amendments to claim 7, the claim amendments have overcome the examiner's 112 Claim Rejection made in the non-final office action dated 24 September 2004, and therefore, the 112 Claim Rejection from the previous office action is withdrawn.

Response to Arguments

7. Applicants' arguments filed 10 December 2004 have been fully considered but they are not persuasive.

8. With regards to claims 1 and 11, the applicants assert that Bonura does not disclose "selecting at least one of the at least one representation elements to synthesize a display attribute based on the user's focus of attention, wherein the at lease one selected representation element is within the user's focus of attention". Furthermore, the applicants assert that the floating window is not within the user's focus of attention when it becomes more translucent and that when a window returns to opaque due to new information being displayed, the returned opacity occurs

prior to the user re-focusing his or her attention on the window since the user only focuses his or her attention on the opaque window due to its return to opacity. The examiner respectfully disagrees. The windows of Bonura are displayed so that even when the floating window is partially or completely translucent, the window is within the user's focus of attention in that the window is displayed in a viewable area on the screen so that a user is aware of the presence of the window, as shown in Figures 7A-7D. Therefore, the representation element, i.e. the floating window is within the user's focus of attention in that the user is able to view the floating window, even when the window is translucent. As an example of Bonura's teaching of the limitation "selecting at least one of the at least one representation elements to synthesize a display attribute based on the user's focus of attention, wherein the at lease one selected representation element is within the user's focus of attention", consider an example where a floating window that has not been updated with information for 5 seconds, thereby causing it to be 20% transparent: after a certain percentage of visual translucency, the user can interact with objects underneath the translucent floating window (column 7, lines 45-67), and therefore, if it is determined that the user's focus of attention is not on the 20% transparent window, i.e. the floating window has not been updated with information for 5 more seconds and the user is interacting with objects underneath the 20% transparent floating window, the display attribute of a representation element is synthesized, i.e. the display attribute of the transparency of the floating window is increased to 40% to reflect the user's focus of attention on the underlying window instead of the floating window (column 5, line 57 – column 6, line 28); however, the floating window is still within the user's focus of attention, in that the floating window is still viewable by the user, it is just not the user's focus of attention at the present time.

9. With regard to claim 20, the applicants assert that Bonura does not disclose, teach, or suggest "determining a user's focus of attention comprises determining a user focus of attention by actively sensing the user's focus of attention" because presenting new information in a window, as taught by Bonura, is not an active determination of the user's focus of attention, but rather a passive determination. The examiner respectfully disagrees. In the example previously mentioned, when the floating window reaches a certain percentage of transparency, the user can interact with objects underneath the floating window. Therefore, the window that is the object of the user's focus of attention is actively sensed by determining whether the user is interacting with the underlying windows, for example with the mouse input (column 7, lines 45-67).

10. Finally, with regard to claim 21, the applicants assert that claim 21 traverses a 35 U.S.C. 112, first paragraph rejection for lacking written description because " 'The subject matter of a claim need not be described literally (i.e., using the same terms or in *haec verba*) in order for the disclosure to satisfy the description requirement" (MPEP j2163.02). Rather, 'each claim limitation must be expressly, implicitly. or inherently supported in the original filed disclosure' (emphasis added, MPEP 2163.05). Furthermore, a specification describing the whole, necessarily describes the part remaining (MPEP 2173.05(i))." The examiner respectfully disagrees. Although the disclosure passages cited by the applicants on pages 9-10 of the Amendment received on 10 December 2004 describe examples of activities that are included as activity streams and representation elements, the examiner did not find any express, implicit or inherent basis for the exclusion of "a presence or lack of new information on a floating window" as a type

of activity stream, and "a visual translucency of the floating window" as a type of representation element. On the contrary, the applicants state, in the Amendment received on 10 December 2004: "...the specification provides examples of representation elements, **including, but are not limited to**, increased air circulation..." (Remarks – bottom of page 9) and "...the specification provides examples of activity streams, **including, but not limited to**, reminders of scheduled events..." (Remarks - bottom of page 10). Therefore, the disclosure merely provides some examples of representation elements and activity streams and fails to positively recite the negative limitations of "other than a presence or lack of new information on a floating window" and "other than a visual translucency of the floating window".

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 8:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-4058.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

18 January 2005

JOHN CABECA
SUPERVISORY PATENT EXAMIN
TECHNOLOGY CENTER 210